

10/003,369

10420/3169

Response to Office Action mailed February 4, 2004

Response transmitted April 22, 2004

REMARKS

1. The application was filed with 23 claims, all of which are still pending. The Examiner is thanked for withdrawing the previous rejections under 35 U.S.C. § 102(b). The Office Action rejects Claims 1-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,914,671 to John Tuttle ("Tuttle"). The rejection states that Tuttle discloses the limitations of the inventions claimed in Claims 1-23.

2. Applicants traverse the rejections on the grounds that the reference does not describe or suggest all the limitations of the claims. Tuttle is not so much directed to passenger check-in as toward detecting the presence of a passenger in an area ("System and Method for Locating Individuals and Equipment . . ."). Tuttle teaches, for instance, that it is desirable to know the location of a person at all times; if a potential passenger is a terrorist who plants a bomb in checked luggage, it would be useful to know if this person leaves the premises rather than boarding the flight. Col. 2, lines 1-4.

Claims 1-9

As to Claim 1, the rejection admits that Tuttle does not teach printing a confirmation of the check-in as claimed. The rejection then states that it would be obvious to provide a hard copy proof/record of check-in for the user. Tuttle does not describe or suggest printing a receipt or confirmation. In order to establish a *prima facie* case of obviousness, there must be some suggestion or motivation to modify the reference. M.P.E.P. 2143. The only mention of printing in Tuttle occurs in the section on "Background of the Invention," in which the prior art method of printing a baggage receipt is mentioned. Col. 1, line 42. Automatic check-in of passengers is mentioned, col. 16, lines 17-19, but printing a confirmation is not mentioned, because automatic detection of individual passengers saves "the passenger from having to stand in line to check in," and also reduces labor required by the carrier. Col. 16, lines 35-38. The reference thus teaches against printing a confirmation.

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10/003,369

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One might imagine, as stated in the rejection, that once automatic check-in has occurred, a passenger would be issued a boarding pass or confirmation, or at least a seat number. Tuttle, however, teaches that once the passenger has checked in,

the system gives an indication to a passenger that the passenger has been successfully checked in, such as by displaying a message on a monitor, on a display on the card 32 (described elsewhere herein), by making an announcement on a speaker, or by other means.

Col. 17, lines 39-43. Note that Tuttle's card 32 is not a printed receipt, but an electronic device similar to a credit card or identification badge for identifying the passenger. Col. 3, lines 41-44.

Tuttle has no use for printing, but instead teaches other forms of confirmation, such as a display on the check-in card, voice confirmation, confirmation on a video monitor, and the like. Printing a receipt or confirmation almost inevitably means standing in line, which Tuttle wishes to avoid. Accordingly, it would not be obvious in view of Tuttle to print a confirmation of the check in.

Tuttle thus teaches against printing a confirmation, as claimed in Claim 1. Tuttle thus does not teach or suggest all the limitations of Claim 1. Claim 3 also claims a printing step, for which the rejection cites a passage from col. 1, lines 48-53. This passage, however, does not teach printing a confirmation, rather, the passenger produces a pre-printed ticket including the claimed information.

Claim 1 and claims depending from Claim 1 are not obvious in view of Tuttle. The Examiner is requested to withdraw rejections of Claims 1-9. Claim 1 has been amended to correct grammar and antecedent basis. Claim 2 has been amended to better define the invention. Support for the amendment is found at least in the specification at p. 4, lines 13-15. No new matter was added in amending the claims.

10/003,369

10420/3169

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Claims 10-12

Claim 10 claims long range radio frequency card detection, and the specification defines "long range" as a system using a 13.56 MHz frequency. Specification, p. 8, lines 12-14. Tuttle does not disclose long range radio frequency identification, and therefore does not disclose all the limitations of the present invention. Claims 10-12 are not taught or suggested by Tuttle, and the Examiner is requested to withdraw the rejections of Claims 10-12. Claim 10 has been amended to better define the invention. Support for the amendment is found at least in the specification, p. 9, lines 26-30. No new matter was added in amending Claim 10.

Claims 13-20

Claim 13 claims a first passage to control entrance of passengers. The passage is depicted in Fig. 1, Fig. 2, and Fig. 3. The passage is described in the specification as comprising "a door 150 or other barrier such as a bar, a gate or a turnstile." P. 6, lines 4-5. When the passenger has been successfully checked in, "the door will open, the gate will swing, or the turnstile will turn to admit the passenger." P. 6, lines 10-11. Tuttle does not describe or suggest a passage that controls the entrance of passengers. Accordingly, Tuttle does not describe or suggest all the limitations of the inventions claimed in Claim 13 or dependent Claims 14-20. The Examiner is requested to withdraw rejections of Claims 13-20.

Claims 21-23

Claim 21 claims a system that includes a long range reader and a passage. Tuttle does not describe or suggest a long range radio frequency reader or a passage for controlling passengers, as discussed above. Tuttle does not describe or suggest all the limitations of Claim 21, and therefore Claims 21-23 are allowable.

3. Applicants thank the Examiner for the Interview granted to the undersigned attorney for the Applicants on March 25, 2004, between Examiner Nguyen, Examiner Benjamin Lee, and the undersigned. During the course of the interview, Claim 1 was

10/003,369

10420/3169

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discussed, as was the Tuttle reference. The Examiners stated during the interview that even if Tuttle did not disclose every limitation of the claimed invention, there were other references that would disclose every limitation. Examiner Lee then cited three additional U.S. patent references as being material to the patentability of the present invention. The three were U.S. Pat. No. 5,581,630 to Walter Bonneau, Jr. ("Bonneau"), U.S. Pat. No. 6,111,506, to Chas Yap et al. ("Yap"), and U.S. Pat. No. 6,580,356 to Eckhard Alt et al. ("Alt").

The undersigned has obtained copies of these patents and does not agree that these references, alone or in combination with Tuttle, make obvious the present invention, as defined by Claims 1-23. Bonneau does not concern radio-frequency identification, but optical images. A system for personal identification that uses optical images does not anticipate, and cannot be modified or combined to make obvious, a radio-frequency identification system. The passages cited by the Examiner, Fig. 5, and col. 1, lines 10-11, and col. 2, lines 63-66, do not disclose limitations of the present invention.

Yap discloses another identification system in which a confirmation is not printed, but instead if there is a match of biometric data, "the boarding pass generator 114 generates a boarding pass in the form of an improved security identification document 10 including an integrated circuit IC containing the components 14, 16, and 18 [microcontroller, input/output device, and antenna]." Yap, col. 17, lines 9-13. This is not the claimed step of "printing a confirmation of the check-in," since printers as claimed are not capable of producing microelectronic devices. Yap also does not disclose at least controlling a passage by means of the card. Yap does not anticipate the claimed invention.

Alt teaches advanced personal identification systems and techniques, and teaches against such things as a simple RFID card, by stating that "higher levels of security require more sophisticated personal identification techniques which are highly personal to the individual," such as finger prints, handprints, iris comparison and matching, and the like. Alt, col. 2, lines 18-25. As a result, Alt requires techniques with "direct physical and electrical contact with the body of the wearer, to interact by touch of the wearer with an identity recognition system, and in which a personal identification signal of the generator is

10/003,369

10420/3169

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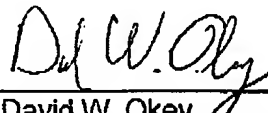
Response transmitted April 22, 2004

communicated to the recognition system through a transmission link provided by the body's electrical conductivity." Colt, col. 3, lines 18-22. Thus, Alt also teaches against the present contact-less invention, and does not anticipate or make obvious the present invention.

Applicants request that these references cited by the Examiner during the interview be made formally of record in the present application, and have enclosed a PTO Form 1449 for the Examiner's convenience. Agreement was not reached during the interview.

4. Applicants thank the Examiner for withdrawing previous rejections under 35 U.S.C. § 102(b). Each independent claim of the application, Claims 1, 10, 13, and 21, includes at least one limitation not described or suggested in the cited art. Applicants have amended Claims 1, 2 and 10 in a non-narrowing manner to better define the invention. The Examiner is requested to reconsider the application, to make of record the art cited during the interview, and to advance the claims to allowance.

Respectfully submitted,



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FORM PTO-1449	SERIAL NO. 10/003,369	CASE NO. 10420/3169
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE November 15, 2001	GROUP ART UNIT 2632
(use several sheets if necessary)	APPLICANT(S): Garry L. Davis et al.	

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	B1	5,581,630	Dec. 3, 1996	Bonneau, Walter	382/116	
	B2	6,111,506	Aug. 29, 2000	Yap et al.	340/572.1	
	B3	6,580,356	June 17, 2003	Alt et al.	340/5.8	

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Rev. Dec.-99

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